

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

On July 26, 2007, plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. By order filed January 2, 2008, the Court dismissed the complaint for failure to state a cognizable claim for relief, and granted plaintiff leave to file, within thirty days thereof, an amended complaint curing the deficiencies in the original complaint. In so doing, the Court cautioned as follows: "If plaintiff fails to timely file an amended complaint in conformity with this order, the action will be dismissed." (Order, filed Jan 2, 2008, at 3:25-26.)

More than thirty days have passed since the filing of the Court’s order dismissing the complaint with leave to amend, and plaintiff has not filed an amended complaint. Accordingly, the above-titled action is hereby DISMISSED without prejudice. See WMX Technologies v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1997) (holding further action by district court necessary where plaintiff fails to amend after dismissal with leave to amend).

The Clerk shall close the file.

IT IS SO ORDERED.

DATED: February 14, 2008

Maxine M. Chesney  
MAXINE M. CHESNEY  
United States District Judge